

# EXHIBIT A

**IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA**

**BRITTNEY SEABOLT,**

**Plaintiff,**

**vs.**

**PURDY BROTHERS TRUCKING LLC,  
COLONIAL FREIGHT SYSTEMS, INC.,  
JARON WHITMORE, ABC  
INSURANCE COMPANY, & XYZ  
INSURANCE COMPANY,**

**Defendants.**

**Civil Action File No.:** 23-C-03650-S1

**JURY TRIAL DEMANDED**

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**COMPLAINT FOR DAMAGES & JURY DEMAND**

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**COMES NOW**, BRITTNEY SEABOLT (hereinafter referred to as "Plaintiff"), by and through the undersigned counsel, and complain of the acts and omissions of PURDY BROTHERS TRUCKING LLC, COLONIAL FREIGHT SYSTEMS, INC., JARON WHITMORE, and ABC INSURANCE COMPANY (hereinafter collectively referred to as "Defendants") and files this Complaint for Damages & Jury Demand, as follows:

**JURISDICTION & VENUE**

**1.**

Plaintiff Brittney Seabolt is an adult Georgia resident and voluntarily subjects himself to the Jurisdiction and Venue of this Honorable Court by filing this action.

**2.**

Defendant PURDY BROTHERS TRUCKING LLC ("Purdy Brothers") is a trucking company conducting business in throughout the county, whose principal office address is 199 Commercial Park Dr, Loudon, Tennessee 37774. Defendant Purdy Brothers may be served an executed Summons and a copy of this Complaint through its registered agent for service of process, Corporation Service Company, 2908 Poston Ave, Nashville, TN 37203.

3.

Defendant COLONIAL FREIGHT SYSTEMS, INC. ("Colonial Freight") is a trucking Company conducting business in throughout the county, whose principal office address is 10924 McBride Ln, Knoxville, Tennessee 37932. Defendant Colonial Freight may be served an executed Summons and a copy of this Complaint through its registered agent for service of process, Ruby McBride, 10924 McBride Ln, Knoxville, TN 37932.

4.

Defendant Jaron Whitmore is, upon information and belief, subject to the Jurisdiction and Venue of this Honorable Court and may be served with a copy of the Summons and Complaint at his last known place of residence to wit 1576 Trillium Ln, Bowling Green, KY 42104 (Warren County).

5.

At all times herein mentioned, Defendant Colonial Freight was a motor carrier and owned, operated, maintained and/or controlled a 2021 Volvo Tractor, VIN # 4V4NC9EH2MN265306, Tennessee License Plate Number L8863HY (hereinafter referred to as "Defendants' truck"), which was driven by Defendant Jaron Whitmore at all times pertinent to this lawsuit.

6.

The motor vehicle collision referenced in this complaint occurred in Gwinnett County, Georgia.

7.

Jurisdiction and Venue in the State Court of Gwinnett County, Georgia is proper for the above and following reasons.

**I. FACTS**

8.

Defendant Colonial Freight engages in the trucking business throughout the country, including the Atlanta region.

9.

Defendant Purdy Brothers engages in the trucking business throughout the country, including the Atlanta region.

10.

At all times mentioned herein, Defendant Jaron Whitmore was employed by, and furthering the business of, Defendant Colonial Freight.

11.

At all times mentioned herein, Defendant ABC Insurance Company was insuring, and furthering the business of, Defendant Colonial Freight and is subject to suit under Georgia's direct-action statute. O.C.G.A. § 46-7-12.

12.

At all times mentioned herein, Defendant XYZ Insurance Company was insuring, and furthering the business of, Defendant Purdy Brothers and is subject to suit under Georgia's direct-action statute. O.C.G.A. § 46-7-12.

13.

At all times mentioned herein, Defendant ABC Insurance Company was insuring, and furthering the business of, Defendant Colonial Freight.

14.

At all times relevant hereto, Defendant Jaron Whitmore operated Defendants' truck in the course and scope of his employment for his employer, Defendant Colonial Freight.

15.

On or around 10:04 p.m. on June 28, 2021, Plaintiff Brittney Seabolt drove a 2017 Honda Accord ("Plaintiff's vehicle") northbound on Interstate 85 in Gwinnett County, Georgia.

16.

At all times relevant hereto, Defendant Jaron Whitmore drove a 2021 Volvo Tractor Trailer, VIN # 4V4NC9EH2MN265306 ("Defendants' truck") northbound on Interstate 85 in Gwinnett County, Georgia.

17.

At all times relevant hereto, Defendants' truck was owned by Defendant Colonial Freight.

18.

At all times relevant hereto, Defendant Jaron Whitmore was in control of Defendants' truck.

19.

At all times relevant hereto, Plaintiff's vehicle had the right of way.

20.

As Plaintiff drove northbound on Interstate 85 in Gwinnett County, Georgia, Defendant failed to maintain his lane and collided with Plaintiff's vehicle, causing a collision ("the collision").

21.

As a result of the collision, Plaintiff suffered painful physical injuries and required subsequent medical treatment thereafter.

## II. NEGLIGENCE & NEGLIGENCE PER SE

22.

Plaintiff incorporates all previous allegations contained in paragraphs 1-21 of this Complaint as if set forth verbatim herein.

23.

At all times relevant to this incident, Defendant Colonial Freight and Defendant Jaron Whitmore owed a duty to Plaintiff to exercise due and reasonable care and to operate Defendants' truck in a lawful, careful and prudent manner, in accordance with the Georgia Uniform Rules of the Road and common laws of this State as well as Federal Motor Carrier Safety Regulations all which are pertaining to the operation of a motor vehicle upon the public street.

24.

However, Defendants breached those aforesaid duties owed to Plaintiff, negligently violated Georgia law and notwithstanding those duties, did violate them in the following particulars:

- (a) In failing to yield the right of way, a violation of O.C.G.A. § 40-6-72;
- (b) In failing to maintain his lane, a violation of O.C.G.A. § 40-6-48;
- (c) In failing to drive at a reasonable and prudent distance so as to anticipate stops and avoid the collision in violation of O.C.G.A. § 40-6-49;
- (d) In failing to make reasonable and proper observations while driving, if reasonable and proper observations were made, failing to act thereon;
- (e) In failing to use due care when driving in violation of O.C.G.A. § 40-6-241;

- (f) In driving without keeping a proper lookout ahead in violation of O.C.G.A. § 40-6-241;
- (g) In failing to observe or undertake the necessary precautions to keep from colliding with my client in violation of O.C.G.A. § 40-6-241;
- (h) In driving without due caution and circumspection and in a manner so as to endanger the person and/or property of others in the immediate vicinity in violation of O.C.G.A. § 40-6-241;
- (i) In driving in reckless disregard for the safety of persons and/or property in violation of O.C.G.A. § 40-6-390; and
- (j) In committing other negligent and reckless acts and omissions as may be shown by the evidence at trial.

**25.**

Defendants committed additional negligent acts and omissions to be proven by the facts and evidence at trial.

**26.**

Plaintiff suffered painful physical injuries and damages as a direct and proximate result of the breach of aforementioned legal duties owed to the Plaintiff.

**IV. NEGLIGENT HIRING, TRAINING AND SUPERVISION**

**27.**

Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 through 26 above as if fully restated.

**28.**

Defendant Colonial Freight was negligent in hiring Defendant Jaron Whitmore.

**29.**

Defendant Colonial Freight was negligent in failing to properly train Defendant Jaron Whitmore.

**30.**

Defendant Colonial Freight was negligent in failing to properly supervise Defendant Jaron Whitmore.

31.

Defendant Colonial Freight was negligent in failing to exercise reasonable care to avoid a foreseeable risk of injury to others.

32.

Defendant Colonial Freight was negligent in failing to provide safe equipment.

33.

Defendant Colonial Freight was negligent in failing to render aid.

34.

Defendant Colonial Freight's negligence in hiring Defendant Jaron Whitmore and entrusting him to drive Defendants' truck and failing to train and supervise him properly was a proximate cause of the incident and Plaintiff's resulting injuries.

## V. VICARIOUS LIABILITY

35.

Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 through 34 above as if fully restated.

36.

On the day of the incident, Defendant Jaron Whitmore was employed by Defendant Colonial Freight and was acting within the scope of his employment at all times relevant to this litigation.

37.

Defendant Colonial Freight is responsible for the conduct and actions of Defendant Jaron Whitmore pursuant to the doctrine of vicarious liability, *respondent superior*.

38.

In August of 2022, Defendant Purdy Brothers purchased Defendant Colonial Freight, including all of Defendant Colonial Freight's tractors and lease purchase drivers.

39.

Based on information and belief, Defendant Purdy Brothers agreed to assume Defendant Colonial Freight's liabilities.

40.

Alternatively, based on information and belief, the transaction between Defendant Purdy Brothers and Defendant Colonial Freight was, in fact, a merger.

41.

Alternatively, based on information and belief, the transaction between Defendant Purdy Brothers and Defendant Colonial Freight was a fraudulent attempt to avoid liabilities.

42.

Alternatively, Defendant Purdy Brothers is a mere continuation of Defendant Colonial Freight.

43.

Based on the foregoing, Defendant Purdy Brothers has assumed the liability of Defendant Colonial Freight.

44.

Therefore, Defendant Purdy Brothers is liable as the successor corporation of Defendant Purdy Brothers.

**VI. GENERAL & SPECIAL DAMAGES UNDER O.C.G.A. § 51-12-2**

45.

Plaintiff incorporates all previous allegations contained in paragraphs 1-44 of this Complaint as if set forth verbatim herein.

46.

As a direct and proximate result of Defendants' negligence, as stated hereinabove, Plaintiff suffered painful injuries.

47.

As a direct and proximate result of Defendants' negligence, as stated hereinabove, Plaintiff suffered conscious physical pain and suffering.

48.

As a direct and proximate result of Defendants' negligence, as stated hereinabove, Plaintiff suffered conscious mental pain and suffering.

49.

As a direct and proximate result of Defendants' negligence, as stated hereinabove, Plaintiff incurred reasonable and necessary medical expenses due to the severe nature and extent of the physical and mental injuries sustained.



50.

By reason of the foregoing, Plaintiff is entitled to recover compensatory damages from Defendants for past, present, and future emotional and physical pain and suffering, disability, and loss of quality of life in such an amount as shall be shown by the evidence and determined by the enlightened conscience of the jury.

51.

By reason of the foregoing, Plaintiff is entitled to recover special damages from Defendants for past and future medical expenses, in such an amount as shall be shown by the evidence and proven at trial.

**VII. ATTORNEY'S FEES UNDER O.C.G.A. § 13-6-11**

52.

Plaintiff incorporates all previous allegations contained in paragraphs 1-51 of this Complaint as if set forth verbatim herein.

53.

Plaintiff specifically seeks an award of attorney's fees under O.C.G.A. § 13-6-11 as Defendants have acted stubbornly litigious and caused Plaintiff unnecessary trouble and expense by forcing Plaintiff to file this lawsuit.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court for the following:

- a. That Summons issue and service be perfected upon Defendants requiring them to appear in this Honorable Court within the time prescribed by Georgia law and answer this Complaint;
- b. Judgment for Plaintiff against Defendants for past, present and future pain and suffering;
- c. Judgment for Plaintiff against Defendants for past, present and future medical bills;
- d. Trial by jury of twelve (12) jurors under O.C.G.A. § 15-12-122(a)(2);
- e. Plaintiff be entitled to recover attorney's fees in accordance with O.C.G.A. § 13-6-11; and,

f. Any other relief this Court deems fair and just.

THIS 26<sup>th</sup> DAY OF MAY 2023.

FLANAGAN LAW, P.C.

*/s/ Brendan C. Flanagan*

**Flanagan Law, P.C.**  
5855 Sandy Springs Circle, Suite 300  
Atlanta, GA 30328  
(404) 480-4474  
(404) 480-3971 (fax)  
[BF@bflanlaw.com](mailto:BF@bflanlaw.com)  
[ML@bflanlaw.com](mailto:ML@bflanlaw.com)

Brendan C. Flanagan, Esq.  
Georgia Bar No. 491824  
Morgan E. Lyndall, Esq.  
Georgia Bar No. 905112  
*Attorneys for Plaintiff*

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

**Brittney Seabolt**

CIVIL ACTION 23-C-03650-S1  
NUMBER: \_\_\_\_\_

PLAINTIFF

VS.

**Jaron Whitmore**

DEFENDANT

**SUMMONS**

**TO THE ABOVE NAMED DEFENDANT:**

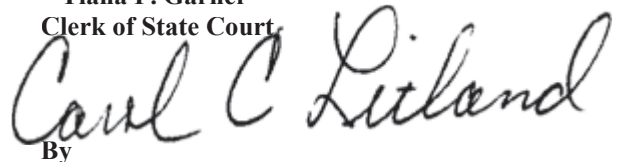
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Brendan C. Flanagan, Esq.  
Flanagan Law, P.C.  
5855 Sandy Springs Cir, Suite 300  
Atlanta, Georgia 30328

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
30th day of May, 2023

Tiana P. Garner  
Clerk of State Court



By \_\_\_\_\_

Deputy Clerk

**INSTRUCTIONS:** Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

23-C-03650-S1

5/26/2023 4:37 PM  
TIANA P. GARNER, CLERK

## IN THE STATE COURT OF GWINNETT COUNTY

## STATE OF GEORGIA

**Brittney Seabolt**CIVIL ACTION 23-C-03650-S1  
NUMBER: \_\_\_\_\_

PLAINTIFF

VS.

**Colonial Freight Systems, Inc.**

DEFENDANT

**SUMMONS****TO THE ABOVE NAMED DEFENDANT:**


You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Brendan C. Flanagan, Esq.  
Flanagan Law, P.C.  
5855 Sandy Springs Cir, Suite 300  
Atlanta, Georgia 30328

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
30th day of May, 2023

Tiana P. Garner  
Clerk of State Court

By   
Deputy Clerk

**INSTRUCTIONS:** Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

**Brittney Seabolt**

CIVIL ACTION 23-C-03650-S1  
NUMBER: \_\_\_\_\_

PLAINTIFF

VS.

**Purdy Brothers Trucking, LLC**

DEFENDANT

**SUMMONS**

**TO THE ABOVE NAMED DEFENDANT:**

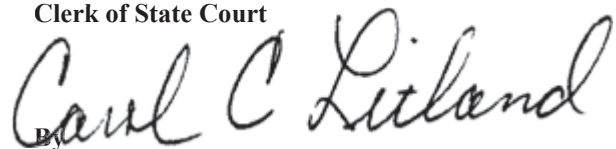
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Brendan C. Flanagan, Esq.  
Flanagan Law, P.C.  
5855 Sandy Springs Cir, Suite 300  
Atlanta, Georgia 30328

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
30th day of May, 2023

Tiana P. Garner  
Clerk of State Court



Deputy Clerk

**INSTRUCTIONS:** Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

23-C-03650-S1

5/26/2023 4:37 PM  
TIANA P. GARNER, CLERK

## General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☒ State Court of Gwinnett State Court County

## For Clerk Use Only

Date Filed MM-DD-YYYY

23-C-03650-S1

Case Number 23-C-03650-S1

## Plaintiff(s)

Seabolt, Brittney

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

## Defendant(s)

Purdy Brothers Trucking LLC

Last First Middle I. Suffix Prefix

Colonial Freight Systems, Inc

Last First Middle I. Suffix Prefix

Whitmore, Jaron

Last First Middle I. Suffix Prefix

ABC Insurance Company

Last First Middle I. Suffix Prefix

Plaintiff's Attorney Brendan C FlanaganState Bar Number 491824Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

## General Civil Cases

- ☒ Automobile Tort
- ☐ Civil Appeal
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

## Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
- ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
- ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case NumberCase Number

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

**AFFIDAVIT OF SERVICE**

State of Georgia

County of Gwinnett

State Court

Case Number: 23-C-03650-S1

Plaintiff: **Brittney Seabolt**

vs.

Defendant: **Jaron Whitmore**

For:

Flanagan Law, P.C.

5855 Sandy Springs Circle

Suite 300

Atlanta, GA 30328

Received by Kentucky Process Service Inc. on the 22nd day of June, 2023 at 9:37 am to be served on **Jaron Whitmore, 1576 Trillium Ln., Bowling Green, KY 42104.**

I, Sherry Stepp, being duly sworn, depose and say that on the **23rd day of June, 2023 at 12:58 pm, I:**

**INDIVIDUALLY/PERSONALLY** served by delivering a true copy of the **Summons; Civil Case Filing Form; Complaint to: Jaron Whitmore** at the address of: **1576 Trillium Ln., Bowling Green, KY 42104**, and informed said person of the contents therein, in compliance with state statutes.

**Military Status:** Based upon inquiry of party served, Defendant is not in the military service of the United States of America.

**Marital Status:** Based upon inquiry of party served, Defendant is married.

**Description of Person Served:** Age: 30, Sex: M, Race/Skin Color: Black, Height: 5'10", Weight: 275, Hair: Black, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Process Server, in good standing, in the judicial circuit in which the process was served.

*Sherry Stepp*

Subscribed and Sworn to before me on the 26th day of June, 2023 by the affiant who is personally known to me.

*[Signature]*  
NOTARY PUBLIC

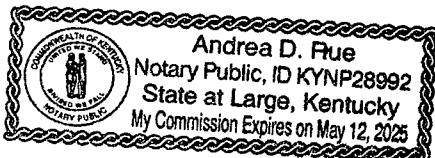
**Sherry Stepp**  
Process Server

06/26/2023

Date

**Kentucky Process Service Inc.**  
128 S. Locust Street  
Versailles, KY 40383  
(859) 489-0726

Our Job Serial Number: KPM-2023003937



IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

BRITTNEY SEABOLT

Plaintiff

PURDY BROTHERS TRUCKING LLC,  
COLONIAL FREIGHT SYSTEMS, INC.,  
JASON WHITMORE, ABC  
INSURANCE COMPANY, & XYZ  
INSURANCE COMPANY,  
Defendants

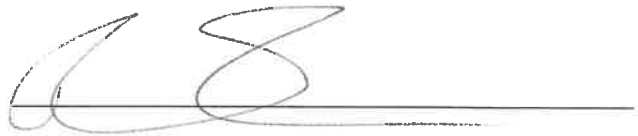
AFFIDAVIT OF SERVICE

23C03650S1

I Bradley Holton, of the City of Nashville, in the State of Tennessee, MAKE OATH

AND SAY (or AFFIRM):

1. I am over 18 and authorized to serve court process in Tennessee, my business address is 1222 16<sup>th</sup> ave South #23 Nashville TN 37212. I am not a party to this action.
2. On June 16, 2023 I served by my hand in person a Summons, Complaint, and Case Info Form to Corporation Service Company, Registered Agent for Purdy Brothers Trucking, llc at 2908 Poston ave Nashville tn 37203



BRADLEY HOLTON

Sworn and subscribed before me this 23<sup>rd</sup> day of June, 2023 Notary Public

My Commission Expires 5/26/2027



**Affidavit of Process Server**

IN THE STATE COURT OF GWINNETT COUNTY, STATE OF GEORGIA

(NAME OF COURT)

Brittney Seabolt

vs

Colonial Freight Systems, Inc

23-C-03650-S1

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I, Charles McBee

, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Colonial Freight Systems, Inc

NAME OF PERSON / ENTITY BEING SERVED

with (list documents) Summons, Complaint, Civil Case Filing Form

by leaving with \_\_\_\_\_ At \_\_\_\_\_

NAME

RELATIONSHIP

☐ Residence

ADDRESS

CITY / STATE

☐ Business 10924 McBride LN

Knoxville, TN 37932

ADDRESS

CITY / STATE

On \_\_\_\_\_ AT \_\_\_\_\_

DATE

TIME

☐ Inquired if subject was a member of the U.S. Military and was informed they are not.

Thereafter copies of the documents were mailed by prepaid, first class mail on \_\_\_\_\_

DATE

from \_\_\_\_\_

CITY

STATE

ZIP

**Manner of Service:**☐ **Personal:** By personally delivering copies to the person being served.☐ **Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of \_\_\_\_\_ and explaining the general nature of the papers.☐ **Substituted at Business:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.☐ **Posting:** By posting copies in a conspicuous manner to the front door of the person/entity being served.**Non-Service:** After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):☐ **Unknown at Address** ☐ **Moved, Left no Forwarding** ☒ **Service Cancelled by Litigant** ☐ **Unable to Serve in Timely Fashion**☐ **Address Does Not Exist** ☒ **Other** Defendant is no longer in business, unable to contact Registered Agent

Service Attempts: Service was attempted on: (1) 6/23/23 11:35 AM (2) 7/3/23 10:20 AM

DATE

TIME

DATE

TIME

(3) \_\_\_\_\_ (4) \_\_\_\_\_ (5) \_\_\_\_\_

DATE

TIME

DATE

TIME

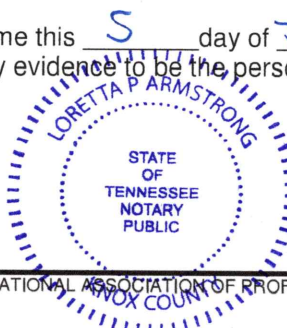
DATE

TIME

Description: Age \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair \_\_\_\_\_ Beard \_\_\_\_\_ Glasses \_\_\_\_\_

Charles H McBee

SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 5 day of July, 2023, by CHARLES MCBEE.  
Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Loretta P. Armstrong

SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC for the state of 4/30/2025





## KNOX COUNTY SHERIFF'S OFFICE

Tom Spangler  
Sheriff

State of Tennessee  
County of Knox

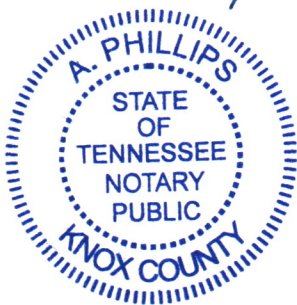
Officer E. Williams 2592 KCSO, being duly sworn, deposes and says that he/she is

over the age of 21 years. That on the 26 day of June, two thousand

twenty-three, Officer E. Williams 2592 KCSO did not serve the foregoing Summons

and Complaint, Docket # 23-C-03650-S1 upon Colonial Freight Systems Inc. because

Not to be Found in my County. Listed Business  
is no longer in operation.



E. Williams 2592 KCSO  
Deputy Sheriff of Knox County,  
Tennessee

Sworn and subscribed before me  
The 27th day of June, 2023

A. Phillips  
Notary Public

My Commission Expires: 5-27-2027

**IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA**

**BRITTNEY SEABOLT,**

**Plaintiff,**

**vs.**

**PURDY BROTHERS TRUCKING LLC,  
COLONIAL FREIGHT SYSTEMS,  
INC., JARON WHITMORE, ABC  
INSURANCE COMPANY, & XYZ  
INSURANCE COMPANY,**

**Defendants.**

**Civil Action File No.: 23-C-03650-S1**

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**PLAINTIFF'S MOTION TO SERVE VIA PUBLICATION OR, IN THE  
ALTERNATIVE, EXTEND TIME TO PERFECT SERVICE**

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Plaintiff filed the above civil action against Purdy Brothers Trucking, LLC, Colonial Freight Systems, Inc., Jaron Whitmore, and two placeholder insurance companies on May 26, 2022 for injuries arising out of an June 28, 2021 collision. Plaintiff perfected service on Purdy Brothers Trucking, LLC and Jaron Whitmore on June 23, 2023. However, despite repeated attempts to serve Colonial Freight Systems, Inc., Plaintiff has been unable to perfect personal service.

Plaintiff now moves this Court for service of Colonial Freight Systems, Inc. via publication, showing the Court as follows.

**LAW AND ARGUMENT**

O.C.G.A. § 9-11-4(f)(1)(A) governs service via publication and provides, in relevant part, as follows:

When the person on whom service is to be made resides outside the state, or has departed the state, or cannot, after due diligence, be found within the state, or conceals himself or herself to avoid service of the summons, and the fact shall appear, by affidavit, to the satisfaction of the judge or

clerk of the court, and it shall appear, either by affidavit or by a verified complaint on file, that a claim exists against the defendant in respect to whom the service is to be made, and that he or she is a necessary or proper party to the action, the judge or clerk may grant an order that the service be made by the publication of summons.

O.C.G.A. § 9-11-4(f)(1)(A).

“[T]he constitutional prerequisite for service by publication is a showing that reasonable diligence has been exercised in attempting to ascertain a defendant’s whereabouts.” *Shuler v. Akpan*, 362 Ga. App. 811, 811 (2022) (internal quotations omitted). In this case, Plaintiff has exercised *extreme* diligence in attempting to perfect service on Defendant Colonial Freight Systems, Inc. Specifically, Plaintiff first sought to serve Defendant Colonial Freight Systems, Inc. through the Knox County Sheriff’s Office. *See Sheriff’s Aff.* (Ex. 1).

On June 22, 2023, Plaintiff hired a private process server. *See Emails* (Ex. 2). Plaintiff’s private process server has made numerous attempts to serve Defendant Colonial Freight Systems, Inc.’s registered agent, Ms. Ruby McBride. *See Aff. of Diligence* (Ex. 3). Specifically, on June 23, 2023, Plaintiff’s private process server attempted to serve Ms. McBride at 10924 McBride Lane, Knoxville, TN 37932. *See Aff. of Diligence* (Ex. 3). Upon arrival, Plaintiff’s private process server spoke with an employee of Colonial Freight Systems, Inc. who told Plaintiff’s private process server that Ms. McBride was currently in Mississippi and only returned to Knoxville periodically. *See Aff. of Diligence* (Ex. 3). On June 26, 2023, the Knox County Sheriff’s Office attempted to serve Defendant Colonial Freight Systems, Inc. through its registered agent, Ruby McBride, at 10924 McBride Lane, Knoxville, TN 37932. *See Sheriff’s Aff.* (Ex. 1). The Knox County Sheriff’s Deputy was unsuccessful in his attempt to serve Defendant’s registered agent. *See Sheriff’s Aff.* (Ex. 1).



Thereafter, on July 3, 2023, Plaintiff's private process server again attempted to serve Ms. McBride at 10924 McBride Lane, Knoxville, TN 37932. *See* Aff. of Diligence (Ex. 3). However, Ms. McBride was not at the 10924 McBride Lane address on June 30, 2023. As such, the whereabouts of Ruby McBride, Defendant Colonial Freight Systems, Inc.'s registered agent, cannot be reasonably ascertained despite reasonable diligence by Plaintiff, and Plaintiff should be permitted to serve Defendant Colonial Freight Systems, Inc. via publication.

### **CONCLUSION**

Because Plaintiff has exercised extreme diligence by making several, unsuccessful attempts to serve Defendant Colonial Freight Systems, Inc., and the whereabouts of Ruby McBride, Defendant Colonial Freight Systems, Inc.'s registered agent, cannot be ascertained, Plaintiff moves the Court to enter an Order that service of process be made on Defendant Colonial Freight Systems, Inc. via publication.

THIS 5<sup>th</sup> DAY OF JULY, 2023.

FLANAGAN LAW, P.C.

*/s/ Brendan C. Flanagan*

**Flanagan Law, P.C.**  
5855 Sandy Springs Circle, Suite 300  
Atlanta, GA 30328  
(404) 480-4474  
(404) 480-3971 (fax)  
BF@bflanlaw.com  
ML@bflanlaw.com

---

Brendan C. Flanagan, Esq.  
Georgia Bar No. 491824  
Morgan E. Lyndall, Esq.  
Georgia Bar No. 905112  
*Attorneys for Plaintiff*

# Exhibit 1



## KNOX COUNTY SHERIFF'S OFFICE

Tom Spangler  
Sheriff

State of Tennessee  
County of Knox

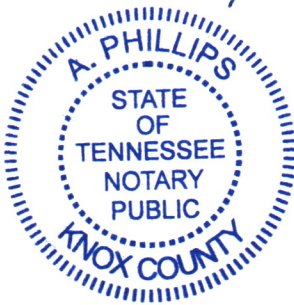
Officer E. Williams 2592 KCSO, being duly sworn, deposes and says that he/she is

over the age of 21 years. That on the 26 day of June, two thousand

twenty-three, Officer E. Williams 2592 KCSO did not serve the foregoing Summons

and Complaint, Docket # 23-C-03650-S1 upon Colonial Freight Systems Inc. because

Not to be Found in my County. Listed Business  
is no longer in operation.



E. Williams 2592 KCSO  
Deputy Sheriff of Knox County,  
Tennessee

Sworn and subscribed before me  
The 27th day of June, 2023

A. Phillips  
Notary Public

My Commission Expires: 5-27-2027

PLAINTIFF'S  
EXHIBIT

1

# Exhibit 2





Johnnathan Ruff &lt;jr@bflanlaw.com&gt;

---

## Service Request - Seabolt v. Purdy Brothers Trucking LLC et al

---

Johnnathan Ruff &lt;jr@bflanlaw.com&gt;

Thu, Jun 22, 2023 at 9:36 AM

To: info@tnproservices.com

Cc: Brendan Flanagan &lt;bf@bflanlaw.com&gt;, Morgan Lyndall &lt;ml@bflanlaw.com&gt;

Good Morning,

Please serve the below pleadings on Colonial Freight Systems, Inc. via their registered agent: **Ruby McBride, 10924 McBride Ln, Knoxville, TN 37932.**

- Summons for Defendant
- Complaint
- Civil Case Filing Form

Please note that this case has a statute of limitations that runs on June 28th.

Please send us an invoice, and let us know if you have any questions or concerns.

Thank you.

--

--



**Johnnathan Ruff**  
**Office Manager & Litigation Paralegal, Flanagan Law, P.C.**

O: 404-480-4474 | D: 404-793-0684 | [www.bflanlaw.com](http://www.bflanlaw.com) |

**5855 Sandy Springs Cir. STE 300 Atlanta, GA 30328**



The information contained in this email may be confidential and privileged attorney-client communications. This email is intended only for the person it is addressed to within the body of the email—do not copy or distribute it to anyone else without express permission. If this email is not intended for you, please immediately notify us by phone or reply by email and delete this message. Unless you have entered into a signed fee agreement with our firm, we are not representing you as your attorney.



**2023-06-22 Pleadings to Knox Process Server for Colonial Freight.pdf**

351K



# Exhibit 3

**Affidavit of Process Server**

IN THE STATE COURT OF GWINNETT COUNTY, STATE OF GEORGIA

(NAME OF COURT)

Brittney Seabolt

vs Colonial Freight Systems, Inc

23-C-03650-S1

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I, Charles McBee, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Colonial Freight Systems, Inc

NAME OF PERSON / ENTITY BEING SERVED

with (list documents) Summons, Complaint, Civil Case Filing Form

by leaving with \_\_\_\_\_ At \_\_\_\_\_

NAME

RELATIONSHIP

☐ Residence \_\_\_\_\_

ADDRESS

CITY / STATE

☐ Business 10924 McBride LN

Knoxville, TN 37932

ADDRESS

CITY / STATE

On \_\_\_\_\_ AT \_\_\_\_\_

DATE

TIME

☐ Inquired if subject was a member of the U.S. Military and was informed they are not.PLAINTIFF'S  
EXHIBIT

3

Thereafter copies of the documents were mailed by prepaid, first class mail on \_\_\_\_\_

DATE

from \_\_\_\_\_

CITY

STATE

ZIP

**Manner of Service:**

- ☐ **Personal:** By personally delivering copies to the person being served.
- ☐ **Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of \_\_\_\_\_ and explaining the general nature of the papers.
- ☐ **Substituted at Business:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.
- ☐ **Posting:** By posting copies in a conspicuous manner to the front door of the person/entity being served.

**Non-Service:** After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- ☐ **Unknown at Address** ☐ **Moved, Left no Forwarding** ☒ **Service Cancelled by Litigant** ☐ **Unable to Serve in Timely Fashion**
- ☐ **Address Does Not Exist** ☒ **Other** Defendant is no longer in business, unable to contact Registered Agent

**Service Attempts:** Service was attempted on: (1) 6/23/23 11:35 AM (2) 7/3/23 10:20 AM

DATE

TIME

DATE

TIME

(3) \_\_\_\_\_ (4) \_\_\_\_\_ (5) \_\_\_\_\_

DATE

TIME

DATE

TIME

DATE

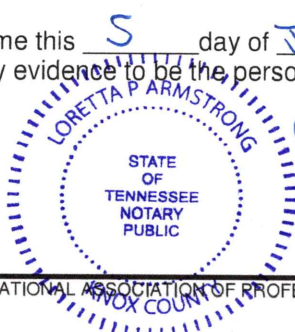
TIME

**Description:** Age \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair \_\_\_\_\_ Beard \_\_\_\_\_ Glasses \_\_\_\_\_

Charles H McBee

SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 5 day of July, 2023, by CHARLES MCBEE.  
Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Loretta P. Armstrong

SIGNATURE OF NOTARY PUBLIC

NOTARY PUBLIC for the state of 4/30/2025

IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

BRITTNEY SEABOLT,

Plaintiff,

vs.

PURDY BROTHERS TRUCKING LLC,  
COLONIAL FREIGHT SYSTEMS,  
INC., JARON WHITMORE, ABC  
INSURANCE COMPANY, & XYZ  
INSURANCE COMPANY,

Defendants.

Civil Action File No.: 23-C-03650-S1

---

CERTIFICATE OF SERVICE

---

This certifies that I have served the foregoing **Plaintiff's Motion to Serve Via Publication**, along with a copy of this certificate, on the Defendant's counsel with the Clerk of Court by using the Court's Georgia online filing system, which will automatically send notification of the filing to all parties.

THIS 5<sup>th</sup> DAY OF  
JULY, 2023.

FLANAGAN LAW, P.C.

**Flanagan Law, P.C.**  
5855 Sandy Springs Circle, Suite 300  
Atlanta, GA 30328  
(404) 480-4474  
(404) 480-3971 (fax)  
[BF@bflanlaw.com](mailto:BF@bflanlaw.com)

*/s/ Brendan C. Flanagan*

---

Brendan C. Flanagan, Esq.  
Georgia Bar No. 491824

IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

BRITTNEY SEABOLT,	)	
	)	
Plaintiff,	)	
	)	Civil Action Number:
vs.	)	23C-3650-1
	)	
PURDY BROTHERS TRUCKING, LLC,	)	
COLONIAL FREIGHT SYSTEMS, INC.,	)	
JARON WHITMORE, ABC INSURANCE	)	
COMPANY & XYZ INSURANCE	)	
COMPANY,	)	
	)	
Defendants.	)	

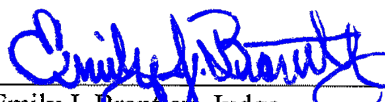
ORDER DENYING MOTION FOR SERVICE BY PUBLICATION

Plaintiff, Brittney Seabolt, filed a Motion for Service by Publication as to Defendant, Colonial Freight Systems, Inc. on the grounds that Defendant's registered agent, after due diligence, cannot be found within the state or is concealing himself.

O.C.G.A. §9-11-4(f)(1)(A) addresses service on "the person on whom service is to be made" and sets forth that when that person "cannot, after due diligence be found within the state, or conceals himself to avoid the service of the summons. . . the judge or clerk may grant an order that the service be made by publication of summons. . . " However, while the registered agent is certainly a person, he is not "the" person being served. He is merely the agent for the corporate defendant.

Therefore, service by publication is not proper and the Motion for Service by Publication is hereby DENIED. The Secretary of State shall serve as the agent of a corporation upon which service cannot be perfected. O.C.G.A. §9-11-4(e)(1)(A).

SO ORDERED this 13th day of July, 2023.

  
Emily J. Brantley, Judge  
State Court of Gwinnett County

## AFFIDAVIT OF SERVICE

Case: 23-C-03650-S1	Court: State Court of Gwinnett County, GA	County:	Court Date:
Plaintiff / Petitioner: Brittney Seabolt		Defendant / Respondent: Colonial Freight Systems; RA Ruby McBride	
Received by: Medley Serves & Investigations		For: Medley Serves & Investigations	
To be served upon: Colonial Freight Systems; RA Ruby McBride			

I, Chris Medley, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: Colonial Freight Systems; RA Ruby McBride, HOME: 3105 KELLER BEND RD, KNOXVILLE, TN 37922

Manner of Service: Personal/Individual, Jul 15, 2023, 10:45 am EDT

Documents: 2023-07-05 Pleadings to Knox Process Server for Colonial Freight.pdf

## Additional Comments:

1) Unsuccessful Attempt: Jul 11, 2023, 10:35 am EDT at CORPORATE: 10924 MCBRIDE LN, KNOXVILLE, TN 37932

Address is for Colonial Freight Systems. Building and parking area was vacant. Online search revealed they are permanently closed.

2) Successful Attempt: Jul 15, 2023, 10:45 am EDT at HOME: 3105 KELLER BEND RD, KNOXVILLE, TN 37922 received by Colonial Freight Systems; RA Ruby McBride. Age: 65; Ethnicity: Caucasian; Gender: Female; Weight: 140; Height: 5'6"; Hair: Gray; Personal Service without signature



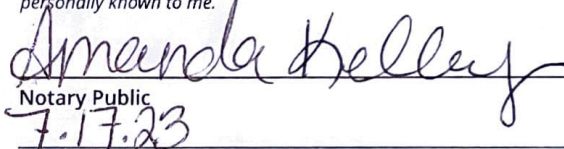
07/17/2023

Chris Medley  
9234 Kingston Pike Suite 462  
Knoxville, TN 37922

Date

Medley Serves & Investigations  
9234 KINGSTON PIKE Suite 462  
KNOXVILLE, TN 37922  
865-405-1571

Subscribed and sworn to before me by the affiant who is  
personally known to me.



Notary Public

7.17.23

Date

Commission Expires





Control Number : SOP-23154522

**STATE OF GEORGIA**  
**Secretary of State**  
**Corporations Division**  
**313 West Tower**  
**2 Martin Luther King, Jr. Dr.**  
**Atlanta, Georgia 30334-1530**

E-FILED IN OFFICE - MB  
CLERK OF STATE COURT  
GWINNETT COUNTY, GEORGIA  
**23-C-03650-S1**  
**7/19/2023 1:55 PM**  
TIANA P. GARNER, CLERK

**CERTIFICATE OF ACKNOWLEDGEMENT**

I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify under the seal of my office that copies of legal documents regarding service of process upon:

**Colonial Freight Systems, Inc.**

have been filed with the Secretary of State on 07/12/2023 pursuant to O.C.G.A. § 40-1-117 relating to the following matter:

Case: Brittney Seabolt v. Colonial Freight Systems, Inc.

Court: State Court of Gwinnett County

Civil Action No.: 23-C-03650-S1

Witness my hand and official seal in the City of Atlanta  
and the State of Georgia on 07/19/2023.



*Brad Raffensperger*

Brad Raffensperger  
Secretary of State

Control Number : SOP-23154522

# STATE OF GEORGIA

## Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

### CERTIFICATION

I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify under the seal of my office that I have received in my office copies of legal documents in the matter of:

**Brittney Seabolt v. Colonial Freight Systems, Inc., et al**  
**State Court of Gwinnett County**  
**Civil Action No. 23-C-03650-S1**

A copy of said documents has been forwarded by registered mail or certified mail, return receipt requested to:

**Colonial Freight Systems, Inc.**

A copy of the return receipt will be forwarded to the filing person when it is received in my office.

Witness my hand and official seal in the City of Atlanta  
and the State of Georgia on 07/19/2023.



*Brad Raffensperger*

Brad Raffensperger  
Secretary of State





# FLANAGAN LAW, P.C.

July 10, 2023

SENT VIA FEDEX OVERNIGHT  
RRR: 7726 8752 6228

Georgia Secretary of State  
Attn: Corporations Division  
2 Martin Luther King Jr. Drive  
Suite 313 West Tower  
Atlanta, GA 30334

RECEIVED  
SECRETARY OF STATE  
INTAKE DIVISION  
23 JUL 12 PM 12:05

**Re: Brittney Seabolt v. Purdy Brothers Trucking LLC, Colonial Freight Systems, Inc., Jaron Whitmore, ABC Insurance Company, & XYZ Insurance Company  
In the State Court of Gwinnett County  
Civil Action File No.: 23-C-03650-S1**

Dear Sir or Madam:

Enclosed please find the following documents for the above-referenced case:

- Form SOP-1
- Summons for Colonial Freight Systems, Inc. (2 copies)
- Complaint for Damages and Jury Demand (2 copies)
- Check for \$10.00

Please let us know if you have any questions, or if any additional information may be needed.

Respectfully,

A handwritten signature in black ink, appearing to be 'B. Flanagan', written over a horizontal line.

Brendan C. Flanagan, Esq.

BCF/jr



OFFICE OF SECRETARY OF STATE  
CORPORATIONS DIVISION  
2 Martin Luther King Jr. Dr.  
Suite 313 West Tower  
Atlanta, Georgia 30334  
(404) 656-2817

SERVICE OF PROCESS, NOTICE, OR DEMAND  
ON THE SECRETARY OF STATE AS STATUTORY AGENT

1. **Case Information.** The service of process being made relates to the following proceeding:

Style of Proceeding: Seabolt v. Colonial Freight Systems, Inc.  
(c.g. name of the plaintiff vs. name of the defendant, or In the matter of..., etc.)

Civil Action No./File No.: 23-C-03650-S1

Court: State Court of Gwinnett County  
(The name of court the proceeding is pending in.)

2. **Statutory Authority.** Service is being made on the Secretary of State pursuant to the following Official Code of Georgia Annotated ("O.C.G.A.") section:

<input type="checkbox"/> O.C.G.A. § 9-11-4(e)(1)*	<input type="checkbox"/> O.C.G.A. § 14-8-46(i)*	<input type="checkbox"/> O.C.G.A. § 14-11-209(f)*
<input type="checkbox"/> O.C.G.A. § 14-2-1510(b)	<input type="checkbox"/> O.C.G.A. § 14-8-50(c)	<input type="checkbox"/> O.C.G.A. § 14-11-703(h)*
<input type="checkbox"/> O.C.G.A. § 14-2-1520(c)	<input type="checkbox"/> O.C.G.A. § 14-8-52(d)	<input type="checkbox"/> O.C.G.A. § 14-11-707(c)
<input type="checkbox"/> O.C.G.A. § 14-2-1531(d)	<input type="checkbox"/> O.C.G.A. § 14-9-104(g)*	<input type="checkbox"/> O.C.G.A. § 14-11-709(d)
<input type="checkbox"/> O.C.G.A. § 14-3-1510(b)	<input type="checkbox"/> O.C.G.A. § 14-9-902.1(i)*	<input type="checkbox"/> O.C.G.A. § 40-12-2*
<input type="checkbox"/> O.C.G.A. § 14-3-1520(c)	<input type="checkbox"/> O.C.G.A. § 14-9-906	<input checked="" type="checkbox"/> O.C.G.A. § 40-1-117
<input type="checkbox"/> O.C.G.A. § 14-3-1531(d)	<input type="checkbox"/> Other: O.C.G.A. _____	

Note: Asterisk (\*) denotes that a certified writing or affidavit is required.

3. **Defendant Information.** Pursuant to the foregoing statutory authority, the Secretary of State is being served as statutory agent for:

Name of Business Entity or Individual: Colonial Freight Systems, Inc.

Business Entity Control Number (if applicable): \_\_\_\_\_

The registered agent's or defendant's address where service forwarded to or sheriff attempted service:

Ruby McBride, 10924 McBride Lane, Knoxville, TN 37923

4. **Filer's Information.** Person requesting service and to whom the Certificate of Acknowledgment or rejection/deficiency notice is to be sent:

Name: Morgan E. Lyndall, Esq.

Address: 5855 Sandy Springs Circle, Suite 300  
Atlanta, GA 30328

Email: ml@bflanlaw.com



### Instructions

Whenever by statute the Secretary of State is appointed or deemed to have been appointed the agent of any individual, corporation, limited partnership, limited liability company or other business entity ("defendant") for the purpose of service of any process, notice, or demand ("process"), service on the Secretary of State shall be made by delivering or mailing a copy of the process for each defendant, any required certification or affidavit, and the payment of the requisite fee(s) to the Corporations Division of the Office of the Secretary of State. The party seeking service shall recite the statute or other authority pursuant to which process is being served on the Secretary of State. A fee of \$10.00 payable to "Georgia Secretary of State" for service on each defendant at each address must accompany the substituted service of process filing.

Section 1. If the requested service relates to a pending judicial or administrative proceeding, indicate the style of proceeding (i.e. plaintiff(s) versus defendant(s)) or the short style of the case (i.e. first plaintiff, et al. versus first defendant, et al.), the civil action number, and the name of the court.

Section 2. Choose the applicable Georgia statute under which the substituted service of process is being made on the Secretary of State. Only mark one box. If the applicable statutory authority is not listed, mark the "Other" box and specify the applicable statute. The following Code sections specify when the entities or individuals described below may be served through the Office of the Secretary of State:

O.C.G.A. § 9-11-4(e)(1)*	Domestic and foreign corporations registered with the Secretary of State.
O.C.G.A. § 14-2-1510(b)	Foreign profit corporations authorized to transact business in Georgia.
O.C.G.A. § 14-2-1520(c)	Foreign profit corporations that have withdrawn from transacting business in Georgia.
O.C.G.A. § 14-2-1531(d)	Foreign profit corporations whose certificate of authority has been revoked.
O.C.G.A. § 14-3-1510(b)	Foreign nonprofit corporations authorized to transact business in Georgia.
O.C.G.A. § 14-3-1520(c)	Foreign nonprofit corporations that have withdrawn from transacting business in Georgia.
O.C.G.A. § 14-3-1531(d)	Foreign nonprofit corporations whose certificate of authority has been revoked.
O.C.G.A. § 14-8-46(i)*	Foreign limited liability partnerships authorized to transact business in Georgia.
O.C.G.A. § 14-8-50(c)	Foreign limited liability partnerships that have withdrawn from transacting business in Georgia.
O.C.G.A. § 14-8-52(d)	Foreign limited liability partnerships whose certificate of authority has been revoked.
O.C.G.A. § 14-9-104(g)*	Domestic limited partnerships registered with the Secretary of State.
O.C.G.A. § 14-9-902.1(i)*	Foreign limited partnerships authorized to transact business in Georgia.
O.C.G.A. § 14-9-906	Foreign limited partnerships that have withdrawn from transacting business in Georgia.
O.C.G.A. § 14-11-209(f)*	Domestic limited liability companies registered with the Secretary of State.
O.C.G.A. § 14-11-703(h)*	Foreign limited liability companies authorized to transact business in Georgia.
O.C.G.A. § 14-11-707(c)	Foreign limited liability companies that have withdrawn from transacting business in Georgia.
O.C.G.A. § 14-11-709(d)	Foreign limited liability companies whose certificate of authority has been revoked.
O.C.G.A. § 40-12-2*	Nonresident motorist.
O.C.G.A. § 40-1-117	Nonresident motor carriers.

Note: Asterisk (\*) denotes that a certified writing or affidavit is required.

Section 3. Provide the name and address of the defendant who is being served through the Secretary of State. If two or more defendants are being so served, use a separate form for each defendant.

Section 4. Provide the name and address of the filer to which the Secretary of State will send either a Certificate of Acknowledgment if the filing is accepted or a notice explaining why the filing was rejected or found deficient.

Note: With the exception of filings made pursuant to O.C.G.A. § 40-1-117, the Secretary of State's office merely accepts substituted service of process, and does not forward these filings to the designated defendant.

If the filer chooses to not use optional Form SOP-1, then filer must submit with the service of process filing a cover letter which includes substantially the same information as found on this form. Questions regarding the filing of substituted service of process should be directed to (404) 656-2817.

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

**Brittney Seabolt**

CIVIL ACTION 23-C-03650-S1  
NUMBER: \_\_\_\_\_

PLAINTIFF

VS.

**Colonial Freight Systems, Inc.**

**Ruby McBride, Registered Agent**

**10924 McBride Ln, Knoxville, TN 37932**

DEFENDANT

**SUMMONS**

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Brendan C. Flanagan, Esq.  
Flanagan Law, P.C.  
5855 Sandy Springs Cir, Suite 300  
Atlanta, Georgia 30328

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
30th day of May, 2023

Tiana P. Garner  
Clerk of State Court

*Caul C. Litland*

By \_\_\_\_\_

Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.



IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

**Brittney Seabolt**

CIVIL ACTION 23-C-03650-S1  
NUMBER: \_\_\_\_\_

PLAINTIFF

VS.

**Colonial Freight Systems, Inc.**

**Ruby McBride, Registered Agent**

**10924 McBride Ln, Knoxville, TN 37932**

DEFENDANT

**SUMMONS**

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Brendan C. Flanagan, Esq.  
Flanagan Law, P.C.  
5855 Sandy Springs Cir, Suite 300  
Atlanta, Georgia 30328

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
30th day of May, 2023

Tiana P. Garner  
Clerk of State Court

*Carl C. Litland*  
By \_\_\_\_\_  
Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

BRITTNEY SEABOLT,

Plaintiff,

vs.

PURDY BROTHERS TRUCKING LLC,  
COLONIAL FREIGHT SYSTEMS, INC.,  
JARON WHITMORE, ABC  
INSURANCE COMPANY, & XYZ  
INSURANCE COMPANY,

Defendants.

23-C-03650-S1

Civil Action File No.: \_\_\_\_\_

JURY TRIAL DEMANDED

## COMPLAINT FOR DAMAGES &amp; JURY DEMAND

COMES NOW, BRITTNEY SEABOLT (hereinafter referred to as "Plaintiff"), by and through the undersigned counsel, and complain of the acts and omissions of PURDY BROTHERS TRUCKING LLC, COLONIAL FREIGHT SYSTEMS, INC., JARON WHITMORE, and ABC INSURANCE COMPANY (hereinafter collectively referred to as "Defendants") and files this Complaint for Damages & Jury Demand, as follows:

**JURISDICTION & VENUE**

1.

Plaintiff Brittney Seabolt is an adult Georgia resident and voluntarily subjects himself to the Jurisdiction and Venue of this Honorable Court by filing this action.

2.

Defendant PURDY BROTHERS TRUCKING LLC ("Purdy Brothers") is a trucking company conducting business in throughout the county, whose principal office address is 199 Commercial Park Dr, Loudon, Tennessee 37774. Defendant Purdy Brothers may be served an executed Summons and a copy of this Complaint through its registered agent for service of process, Corporation Service Company, 2908 Poston Ave, Nashville, TN 37203.

3.

Defendant COLONIAL FREIGHT SYSTEMS, INC. ("Colonial Freight") is a trucking Company conducting business in throughout the county, whose principal office address is 10924 McBride Ln, Knoxville, Tennessee 37932. Defendant Colonial Freight may be served an executed Summons and a copy of this Complaint through its registered agent for service of process, Ruby McBride, 10924 McBride Ln, Knoxville, TN 37932.

4.

Defendant Jaron Whitmore is, upon information and belief, subject to the Jurisdiction and Venue of this Honorable Court and may be served with a copy of the Summons and Complaint at his last known place of residence to wit 1576 Trillium Ln, Bowling Green, KY 42104 (Warren County).

5.

At all times herein mentioned, Defendant Colonial Freight was a motor carrier and owned, operated, maintained and/or controlled a 2021 Volvo Tractor, VIN # 4V4NC9EH2MN265306, Tennessee License Plate Number L8863HY (hereinafter referred to as "Defendants' truck"), which was driven by Defendant Jaron Whitmore at all times pertinent to this lawsuit.

6.

The motor vehicle collision referenced in this complaint occurred in Gwinnett County, Georgia.

7.

Jurisdiction and Venue in the State Court of Gwinnett County, Georgia is proper for the above and following reasons.

**I. FACTS**

8.

Defendant Colonial Freight engages in the trucking business throughout the country, including the Atlanta region.

9.

Defendant Purdy Brothers engages in the trucking business throughout the country, including the Atlanta region.

10.

At all times mentioned herein, Defendant Jaron Whitmore was employed by, and furthering the business of, Defendant Colonial Freight.



11.

At all times mentioned herein, Defendant ABC Insurance Company was insuring, and furthering the business of, Defendant Colonial Freight and is subject to suit under Georgia's direct-action statute. O.C.G.A. § 46-7-12.

12.

At all times mentioned herein, Defendant XYZ Insurance Company was insuring, and furthering the business of, Defendant Purdy Brothers and is subject to suit under Georgia's direct-action statute. O.C.G.A. § 46-7-12.

13.

At all times mentioned herein, Defendant ABC Insurance Company was insuring, and furthering the business of, Defendant Colonial Freight.

14.

At all times relevant hereto, Defendant Jaron Whitmore operated Defendants' truck in the course and scope of his employment for his employer, Defendant Colonial Freight.

15.

On or around 10:04 p.m. on June 28, 2021, Plaintiff Brittney Seabolt drove a 2017 Honda Accord ("Plaintiff's vehicle") northbound on Interstate 85 in Gwinnett County, Georgia.

16.

At all times relevant hereto, Defendant Jaron Whitmore drove a 2021 Volvo Tractor Trailer, VIN # 4V4NC9EH2MN265306 ("Defendants' truck") northbound on Interstate 85 in Gwinnett County, Georgia.

17.

At all times relevant hereto, Defendants' truck was owned by Defendant Colonial Freight.

18.

At all times relevant hereto, Defendant Jaron Whitmore was in control of Defendants' truck.

19.

At all times relevant hereto, Plaintiff's vehicle had the right of way.



20.

As Plaintiff drove northbound on Interstate 85 in Gwinnett County, Georgia, Defendant failed to maintain his lane and collided with Plaintiff's vehicle, causing a collision ("the collision").

21.

As a result of the collision, Plaintiff suffered painful physical injuries and required subsequent medical treatment thereafter.

## II. NEGLIGENCE & NEGLIGENCE PER SE

22.

Plaintiff incorporates all previous allegations contained in paragraphs 1-21 of this Complaint as if set forth verbatim herein.

23.

At all times relevant to this incident, Defendant Colonial Freight and Defendant Jaron Whitmore owed a duty to Plaintiff to exercise due and reasonable care and to operate Defendants' truck in a lawful, careful and prudent manner, in accordance with the Georgia Uniform Rules of the Road and common laws of this State as well as Federal Motor Carrier Safety Regulations all which are pertaining to the operation of a motor vehicle upon the public street.

24.

However, Defendants breached those aforesaid duties owed to Plaintiff, negligently violated Georgia law and notwithstanding those duties, did violate them in the following particulars:

- (a) In failing to yield the right of way, a violation of O.C.G.A. § 40-6-72;
- (b) In failing to maintain his lane, a violation of O.C.G.A. § 40-6-48;
- (c) In failing to drive at a reasonable and prudent distance so as to anticipate stops and avoid the collision in violation of O.C.G.A. § 40-6-49;
- (d) In failing to make reasonable and proper observations while driving, if reasonable and proper observations were made, failing to act thereon;
- (e) In failing to use due care when driving in violation of O.C.G.A § 40-6-241;

- (f) In driving without keeping a proper lookout ahead in violation of O.C.G.A. § 40-6-241;
- (g) In failing to observe or undertake the necessary precautions to keep from colliding with my client in violation of O.C.G.A. § 40-6-241;
- (h) In driving without due caution and circumspection and in a manner so as to endanger the person and/or property of others in the immediate vicinity in violation of O.C.G.A. § 40-6-241;
- (i) In driving in reckless disregard for the safety of persons and/or property in violation of O.C.G.A. § 40-6-390; and
- (j) In committing other negligent and reckless acts and omissions as may be shown by the evidence at trial.

25.

Defendants committed additional negligent acts and omissions to be proven by the facts and evidence at trial.

26.

Plaintiff suffered painful physical injuries and damages as a direct and proximate result of the breach of aforementioned legal duties owed to the Plaintiff.

**IV. NEGLIGENT HIRING, TRAINING AND SUPERVISION**

27.

Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 through 26 above as if fully restated.

28.

Defendant Colonial Freight was negligent in hiring Defendant Jaron Whitmore.

29.

Defendant Colonial Freight was negligent in failing to properly train Defendant Jaron Whitmore.

30.

Defendant Colonial Freight was negligent in failing to properly supervise Defendant Jaron Whitmore.

31.

Defendant Colonial Freight was negligent in failing to exercise reasonable care to avoid a foreseeable risk of injury to others.

32.

Defendant Colonial Freight was negligent in failing to provide safe equipment.

33.

Defendant Colonial Freight was negligent in failing to render aid.

34.

Defendant Colonial Freight's negligence in hiring Defendant Jaron Whitmore and entrusting him to drive Defendants' truck and failing to train and supervise him properly was a proximate cause of the incident and Plaintiff's resulting injuries.

## V. VICARIOUS LIABILITY

35.

Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 through 34 above as if fully restated.

36.

On the day of the incident, Defendant Jaron Whitmore was employed by Defendant Colonial Freight and was acting within the scope of his employment at all times relevant to this litigation.

37.

Defendant Colonial Freight is responsible for the conduct and actions of Defendant Jaron Whitmore pursuant to the doctrine of vicarious liability, *respondent superior*.

38.

In August of 2022, Defendant Purdy Brothers purchased Defendant Colonial Freight, including all of Defendant Colonial Freight's tractors and lease purchase drivers.

39.

Based on information and belief, Defendant Purdy Brothers agreed to assume Defendant Colonial Freight's liabilities.

40.

Alternatively, based on information and belief, the transaction between Defendant Purdy Brothers and Defendant Colonial Freight was, in fact, a merger.



41.

Alternatively, based on information and belief, the transaction between Defendant Purdy Brothers and Defendant Colonial Freight was a fraudulent attempt to avoid liabilities.

42.

Alternatively, Defendant Purdy Brothers is a mere continuation of Defendant Colonial Freight.

43.

Based on the foregoing, Defendant Purdy Brothers has assumed the liability of Defendant Colonial Freight.

44.

Therefore, Defendant Purdy Brothers is liable as the successor corporation of Defendant Purdy Brothers.

**VI. GENERAL & SPECIAL DAMAGES UNDER O.C.G.A. § 51-12-2**

45.

Plaintiff incorporates all previous allegations contained in paragraphs 1-44 of this Complaint as if set forth verbatim herein.

46.

As a direct and proximate result of Defendants' negligence, as stated hereinabove, Plaintiff suffered painful injuries.

47.

As a direct and proximate result of Defendants' negligence, as stated hereinabove, Plaintiff suffered conscious physical pain and suffering.

48.

As a direct and proximate result of Defendants' negligence, as stated hereinabove, Plaintiff suffered conscious mental pain and suffering.

49.

As a direct and proximate result of Defendants' negligence, as stated hereinabove, Plaintiff incurred reasonable and necessary medical expenses due to the severe nature and extent of the physical and mental injuries sustained.

50.

By reason of the foregoing, Plaintiff is entitled to recover compensatory damages from Defendants for past, present, and future emotional and physical pain and suffering, disability, and loss of quality of life in such an amount as shall be shown by the evidence and determined by the enlightened conscience of the jury.

51.

By reason of the foregoing, Plaintiff is entitled to recover special damages from Defendants for past and future medical expenses, in such an amount as shall be shown by the evidence and proven at trial.

**VII. ATTORNEY'S FEES UNDER O.C.G.A. § 13-6-11**

52.

Plaintiff incorporates all previous allegations contained in paragraphs 1-51 of this Complaint as if set forth verbatim herein.

53.

Plaintiff specifically seeks an award of attorney's fees under O.C.G.A. § 13-6-11 as Defendants have acted stubbornly litigious and caused Plaintiff unnecessary trouble and expense by forcing Plaintiff to file this lawsuit.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court for the following:

- a. That Summons issue and service be perfected upon Defendants requiring them to appear in this Honorable Court within the time prescribed by Georgia law and answer this Complaint;
- b. Judgment for Plaintiff against Defendants for past, present and future pain and suffering;
- c. Judgment for Plaintiff against Defendants for past, present and future medical bills;
- d. Trial by jury of twelve (12) jurors under O.C.G.A. § 15-12-122(a)(2);
- e. Plaintiff be entitled to recover attorney's fees in accordance with O.C.G.A. § 13-6-11; and,

f. Any other relief this Court deems fair and just.

THIS 26<sup>th</sup> DAY OF MAY 2023.

FLANAGAN LAW, P.C.

*/s/ Brendan C. Flanagan*

**Flanagan Law, P.C.**  
5855 Sandy Springs Circle, Suite 300  
Atlanta, GA 30328  
(404) 480-4474  
(404) 480-3971 (fax)  
[BF@bflanlaw.com](mailto:BF@bflanlaw.com)  
[ML@bflanlaw.com](mailto:ML@bflanlaw.com)

Brendan C. Flanagan, Esq.  
Georgia Bar No. 491824  
Morgan E. Lyndall, Esq.  
Georgia Bar No. 905112  
*Attorneys for Plaintiff*



IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

BRITTNEY SEABOLT,

Plaintiff,

vs.

PURDY BROTHERS TRUCKING LLC,  
COLONIAL FREIGHT SYSTEMS, INC.,  
JARON WHITMORE, ABC  
INSURANCE COMPANY, & XYZ  
INSURANCE COMPANY,

Defendants.

23-C-03650-S1

Civil Action File No.: \_\_\_\_\_

JURY TRIAL DEMANDED

## COMPLAINT FOR DAMAGES &amp; JURY DEMAND

COMES NOW, BRITTNEY SEABOLT (hereinafter referred to as "Plaintiff"), by and through the undersigned counsel, and complain of the acts and omissions of PURDY BROTHERS TRUCKING LLC, COLONIAL FREIGHT SYSTEMS, INC., JARON WHITMORE, and ABC INSURANCE COMPANY (hereinafter collectively referred to as "Defendants") and files this Complaint for Damages & Jury Demand, as follows:

JURISDICTION & VENUE

1.

Plaintiff Brittney Seabolt is an adult Georgia resident and voluntarily subjects himself to the Jurisdiction and Venue of this Honorable Court by filing this action.

2.

Defendant PURDY BROTHERS TRUCKING LLC ("Purdy Brothers") is a trucking company conducting business in throughout the county, whose principal office address is 199 Commercial Park Dr, Loudon, Tennessee 37774. Defendant Purdy Brothers may be served an executed Summons and a copy of this Complaint through its registered agent for service of process, Corporation Service Company, 2908 Poston Ave, Nashville, TN 37203.



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4.

Defendant Jaron Whitmore is, upon information and belief, subject to the Jurisdiction and Venue of this Honorable Court and may be served with a copy of the Summons and Complaint at his last known place of residence to wit 1576 Trillium Ln, Bowling Green, KY 42104 (Warren County).

5.

At all times herein mentioned, Defendant Colonial Freight was a motor carrier and owned, operated, maintained and/or controlled a 2021 Volvo Tractor, VIN # 4V4NC9EH2MN265306, Tennessee License Plate Number L8863HY (hereinafter referred to as "Defendants' truck"), which was driven by Defendant Jaron Whitmore at all times pertinent to this lawsuit.

6.

The motor vehicle collision referenced in this complaint occurred in Gwinnett County, Georgia.

7.

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#### **I. FACTS**

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Defendant Colonial Freight engages in the trucking business throughout the country, including the Atlanta region.

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Defendant Purdy Brothers engages in the trucking business throughout the country, including the Atlanta region.

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At all times mentioned herein, Defendant Jaron Whitmore was employed by, and furthering the business of, Defendant Colonial Freight.

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At all times relevant hereto, Defendant Jaron Whitmore operated Defendants' truck in the course and scope of his employment for his employer, Defendant Colonial Freight.

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On or around 10:04 p.m. on June 28, 2021, Plaintiff Brittney Seabolt drove a 2017 Honda Accord ("Plaintiff's vehicle") northbound on Interstate 85 in Gwinnett County, Georgia.

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At all times relevant hereto, Defendants' truck was owned by Defendant Colonial Freight.

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At all times relevant hereto, Defendant Jaron Whitmore was in control of Defendants' truck.

19.

At all times relevant hereto, Plaintiff's vehicle had the right of way.

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As Plaintiff drove northbound on Interstate 85 in Gwinnett County, Georgia, Defendant failed to maintain his lane and collided with Plaintiff's vehicle, causing a collision ("the collision").

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As a result of the collision, Plaintiff suffered painful physical injuries and required subsequent medical treatment thereafter.

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Plaintiff incorporates all previous allegations contained in paragraphs 1-21 of this Complaint as if set forth verbatim herein.

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At all times relevant to this incident, Defendant Colonial Freight and Defendant Jaron Whitmore owed a duty to Plaintiff to exercise due and reasonable care and to operate Defendants' truck in a lawful, careful and prudent manner, in accordance with the Georgia Uniform Rules of the Road and common laws of this State as well as Federal Motor Carrier Safety Regulations all which are pertaining to the operation of a motor vehicle upon the public street.

24.

However, Defendants breached those aforesaid duties owed to Plaintiff, negligently violated Georgia law and notwithstanding those duties, did violate them in the following particulars:

- (a) In failing to yield the right of way, a violation of O.C.G.A. § 40-6-72;
- (b) In failing to maintain his lane, a violation of O.C.G.A. § 40-6-48;
- (c) In failing to drive at a reasonable and prudent distance so as to anticipate stops and avoid the collision in violation of O.C.G.A. § 40-6-49;
- (d) In failing to make reasonable and proper observations while driving, if reasonable and proper observations were made, failing to act thereon;
- (e) In failing to use due care when driving in violation of O.C.G.A § 40-6-241;



- (f) In driving without keeping a proper lookout ahead in violation of O.C.G.A. § 40-6-241;
- (g) In failing to observe or undertake the necessary precautions to keep from colliding with my client in violation of O.C.G.A. § 40-6-241;
- (h) In driving without due caution and circumspection and in a manner so as to endanger the person and/or property of others in the immediate vicinity in violation of O.C.G.A. § 40-6-241;
- (i) In driving in reckless disregard for the safety of persons and/or property in violation of O.C.G.A. § 40-6-390; and
- (j) In committing other negligent and reckless acts and omissions as may be shown by the evidence at trial.

25.

Defendants committed additional negligent acts and omissions to be proven by the facts and evidence at trial.

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Plaintiff suffered painful physical injuries and damages as a direct and proximate result of the breach of aforementioned legal duties owed to the Plaintiff.

**IV. NEGLIGENT HIRING, TRAINING AND SUPERVISION**

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Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 through 26 above as if fully restated.

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Defendant Colonial Freight's negligence in hiring Defendant Jaron Whitmore and entrusting him to drive Defendants' truck and failing to train and supervise him properly was a proximate cause of the incident and Plaintiff's resulting injuries.

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Plaintiff re-alleges and incorporates herein the allegations contained in paragraphs 1 through 34 above as if fully restated.

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On the day of the incident, Defendant Jaron Whitmore was employed by Defendant Colonial Freight and was acting within the scope of his employment at all times relevant to this litigation.

37.

Defendant Colonial Freight is responsible for the conduct and actions of Defendant Jaron Whitmore pursuant to the doctrine of vicarious liability, *respondeat superior*.

38.

In August of 2022, Defendant Purdy Brothers purchased Defendant Colonial Freight, including all of Defendant Colonial Freight's tractors and lease purchase drivers.

39.

Based on information and belief, Defendant Purdy Brothers agreed to assume Defendant Colonial Freight's liabilities.

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Alternatively, based on information and belief, the transaction between Defendant Purdy Brothers and Defendant Colonial Freight was, in fact, a merger.

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Alternatively, based on information and belief, the transaction between Defendant Purdy Brothers and Defendant Colonial Freight was a fraudulent attempt to avoid liabilities.

42.

Alternatively, Defendant Purdy Brothers is a mere continuation of Defendant Colonial Freight.

43.

Based on the foregoing, Defendant Purdy Brothers has assumed the liability of Defendant Colonial Freight.

44.

Therefore, Defendant Purdy Brothers is liable as the successor corporation of Defendant Purdy Brothers.

**VI. GENERAL & SPECIAL DAMAGES UNDER O.C.G.A. § 51-12-2**

45.

Plaintiff incorporates all previous allegations contained in paragraphs 1-44 of this Complaint as if set forth verbatim herein.

46.

As a direct and proximate result of Defendants' negligence, as stated hereinabove, Plaintiff suffered painful injuries.

47.

As a direct and proximate result of Defendants' negligence, as stated hereinabove, Plaintiff suffered conscious physical pain and suffering.

48.

As a direct and proximate result of Defendants' negligence, as stated hereinabove, Plaintiff suffered conscious mental pain and suffering.

49.

As a direct and proximate result of Defendants' negligence, as stated hereinabove, Plaintiff incurred reasonable and necessary medical expenses due to the severe nature and extent of the physical and mental injuries sustained.



50.

By reason of the foregoing, Plaintiff is entitled to recover compensatory damages from Defendants for past, present, and future emotional and physical pain and suffering, disability, and loss of quality of life in such an amount as shall be shown by the evidence and determined by the enlightened conscience of the jury.

51.

By reason of the foregoing, Plaintiff is entitled to recover special damages from Defendants for past and future medical expenses, in such an amount as shall be shown by the evidence and proven at trial.

**VII. ATTORNEY'S FEES UNDER O.C.G.A. § 13-6-11**

52.

Plaintiff incorporates all previous allegations contained in paragraphs 1-51 of this Complaint as if set forth verbatim herein.

53.

Plaintiff specifically seeks an award of attorney's fees under O.C.G.A. § 13-6-11 as Defendants have acted stubbornly litigious and caused Plaintiff unnecessary trouble and expense by forcing Plaintiff to file this lawsuit.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court for the following:

- a. That Summons issue and service be perfected upon Defendants requiring them to appear in this Honorable Court within the time prescribed by Georgia law and answer this Complaint;
- b. Judgment for Plaintiff against Defendants for past, present and future pain and suffering;
- c. Judgment for Plaintiff against Defendants for past, present and future medical bills;
- d. Trial by jury of twelve (12) jurors under O.C.G.A. § 15-12-122(a)(2);
- e. Plaintiff be entitled to recover attorney's fees in accordance with O.C.G.A. § 13-6-11; and,



- f. Any other relief this Court deems fair and just.

THIS 26<sup>th</sup> DAY OF MAY 2023.

FLANAGAN LAW, P.C.

*/s/ Brendan C. Flanagan*

**Flanagan Law, P.C.**  
5855 Sandy Springs Circle, Suite 300  
Atlanta, GA 30328  
(404) 480-4474  
(404) 480-3971 (fax)  
[BF@bflanlaw.com](mailto:BF@bflanlaw.com)  
[ML@bflanlaw.com](mailto:ML@bflanlaw.com)

Brendan C. Flanagan, Esq.  
Georgia Bar No. 491824  
Morgan E. Lyndall, Esq.  
Georgia Bar No. 905112  
*Attorneys for Plaintiff*

IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

BRITTNEY SEABOLT,

Plaintiff,

vs.

PURDY BROTHERS TRUCKING LLC,  
COLONIAL FREIGHT SYSTEMS,  
INC., JARON WHITMORE, ABC  
INSURANCE COMPANY, & XYZ  
INSURANCE COMPANY,

Defendants.

Civil Action File No.: 23-C-03650-S1

**SSTIPULATION OF EXTENSION OF TIME WITHIN WHICH DEFENDANT  
PURDY BROTHERS TRUCKING LLC MAY FILE ANSWER OR OTHER  
DEFENSIVE PLEADINGS TO PLAINTIFF'S COMPLAINT**

COMES NOW the Plaintiff in the above-captioned case, by and through its undersigned counsel, and files this Stipulation and Agreement with respect to an Extension of Time for the Defendant Purdy Brothers Trucking LLC to file an Answer or other Defensive Pleadings to the Complaint showing this Honorable Court the following:

The Plaintiff has granted an extension of time to Defendant Purdy Brothers Trucking LLC up to the close of Courthouse business hours on August 21, 2023.

This 21<sup>st</sup> day of July, 2023.

/s/ Brendan C. Flanagan  
Brendan C. Flanagan, Esq.  
Georgia Bar No.: 491824  
Morgan E. Lyndall, Esq.  
Georgia Bar No.: 905112  
Attorneys for Plaintiff

FLANAGAN LAW, P.C.

5855 Sandy Springs Circle  
Suite 300  
Atlanta, Georgia 30328  
(404) 480-4474  
(404) 480-3971 (fax)  
[BF@bflanlaw.com](mailto:BF@bflanlaw.com)  
[ML@bflanlaw.com](mailto:ML@bflanlaw.com)

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served all counsel of record in the foregoing matter with a copy of the within and foregoing **Stipulation of Extension of Time Within Which Defendant Purdy Brothers Trucking LLC May File an Answer or Other Defensive Pleadings** along with a copy of this certificate, on the Defendant's counsel with the Clerk of Court by using the Court's Georgia online filing system, which will automatically send notification of the filing to all parties.

This 21st day of July, 2023.

/s/ Brendan C. Flanagan  
Brendan C. Flanagan, Esq.  
Georgia Bar No.: 491824  
Morgan E. Lyndall, Esq.  
Georgia Bar No.: 905112  
Attorneys for Plaintiff

FLANAGAN LAW, P.C.  
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[BF@bflanlaw.com](mailto:BF@bflanlaw.com)  
[ML@bflanlaw.com](mailto:ML@bflanlaw.com)

## AMENDED AFFIDAVIT OF SERVICE

Case: 23-C-03650-S1	Court: State Court of Gwinnett County, GA	County:	Court Date:
Plaintiff / Petitioner: Brittney Seabolt		Defendant / Respondent: Colonial Freight Systems; RA Ruby McBride	
Received by: Medley Serves & Investigations		For: Flanagan Law, PC	
To be served upon: Colonial Freight Systems; RA Ruby McBride			

I, Chris Medley, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** Colonial Freight Systems; RA Ruby McBride, HOME: 3105 KELLER BEND RD, KNOXVILLE, TN 37922

**Manner of Service:** Personal/Individual, Jul 15, 2023, 10:45 am EDT

**Documents:** 2023-07-05 Pleadings to Knox Process Server for Colonial Freight.pdf  
COMPLAINT FOR DAMAGES & JURY DEMAND to Colonial Freight  
Summons to Colonial Freight

**Additional Comments:**

1) Unsuccessful Attempt: Jul 11, 2023, 10:35 am EDT at CORPORATE: 10924 MCBRIDE LN, KNOXVILLE, TN 37932  
Address is for Colonial Freight Systems. Building and parking area was vacant. Online search revealed they are permanently closed.

2) Successful Attempt: Jul 15, 2023, 10:45 am EDT at HOME: 3105 KELLER BEND RD, KNOXVILLE, TN 37922 received by Colonial Freight Systems; RA Ruby McBride. Age: 65; Ethnicity: Caucasian; Gender: Female; Weight: 140; Height: 5'6"; Hair: Gray;  
Personal Service without signature


  
Chris Medley ID 374

2113 Wakefield Circle  
Maryville, TN 37803

Medley Serves & Investigations  
9234 KINGSTON PIKE Suite 462  
KNOXVILLE, TN 37922  
865-405-1571

July 21, 2023  
Date

Subscribed and sworn to before me by the affiant who is  
personally known to me.

  
Amanda Kelley

Notary Public

7.21.23  
Date

Commission Expires

